

Application No.: 10/541,525  
Amendment Dated: August 6, 2009  
Reply to Office Action of: May 8, 2009

MAT-8719US

**Remarks/Arguments:**

Claims 1-13 are pending and stand rejected.

By this amendment, claims 2-4, 6, 8 and 12 are amended, claim 1 is cancelled without prejudice and new claims 14 and 15 are added.

No new matter is presented by the claim amendments and new claims. Support for the claim amendments and new claims can be found throughout the original specification and, for example, in the original specification at page 17, line 20 to page 18, line 7 and page 20, line 22 to page 21, line 15.

**Examiner Interview**

An Examiner Interview was conducted with Applicants' Representative Eric Berkowitz and Examiner Andrew C. Lee on June 8, 2009. The Examiner is thanked for his efforts. In the Examiner Interview, the Examiner clarified his rejection of claim 1. No agreement was reached regarding claim 1.

**Claim Objections**

In the Office Action, at item 2, claims 2-3 and 6 are objected to for informalities therein.

Reconsideration is respectfully requested.

With respect to claim 3, Applicants have amended claim 3 as suggested by the Examiner to overcome the objection.

With regard to claims 2 and 6, Applicants respectfully traverse the Examiner's objection. MPEP §§ 2173.05(g) states, in part, that:

a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient, or step.

Application No.: 10/541,525  
Amendment Dated: August 6, 2009  
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MAT-8719US

(See, for example, In re Venezia, 530 F.2nd 956, 189 USPQ 149 (CCPA 1976) wherein the court held that in a claim directed to a kit of component parts capable of being assembled, limitations such as: "members adapted to be positioned" and "portions ... being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly).

Applicants respectfully submit that, for example, the calculation by the second router of the routing capability time occurs when the second router is capable of executing the routing function. The phrase "capable of" precisely defines the condition for when such a calculation occurs.

Accordingly, claim 2 is submitted to be free of this objection. Moreover, claim 6 for similar reasons, is also submitted to be free of this claim objection.

#### **Rejection of Claims 3 and 8 under 35 U.S.C. §112, Second Paragraph**

In the Office Action, at item 3, claims 3 and 8 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Claims 3 and 8 have been amended to overcome this rejection.

Reconsideration is respectfully requested.

#### **Rejection of Claim 1 under 35 U.S.C. §102(e)**

In the Office Action, at item 5, claim 1 is rejected under 35 U.S.C. §102(e) as anticipated by Ichinohe et al. (U.S. Patent No. 6,148,411, hereafter referred to as Ichinohe).

Claim 1 has been cancelled without prejudice.

Accordingly, the rejection of claim 1 is now moot.

**Rejection of Claims 2-8, 10 and 12-13 under 35 U.S.C. §103(a)**

In the Office Action, at item 7, claims 2-8, 10 and 12-13 are rejected under 35 U.S.C. §103(a) as unpatentable over Ichinohe in view of Yamaya et al. (U.S. Patent Publication No. 2002/0184387, hereafter referred to as Yamaya).

**Claim 2**

Claim 2 is directed to a routing control method and recites:

... calculating, by a second router, a routing capability time required to enable the routing function when the second router is capable of executing the routing function;

transmitting, by the second router, a routing capability message notifying the routing capability time to the nodes in the local area network to which the second router is connected ...

That is, the second router calculates a routing capability time required to enable the routing function based on a condition (i.e., when the second router is capable of executing the routing function). Moreover, the routing capability time is notified to nodes of the local area network by the second router.

**Ichinohe Reference**

In the Office Action, at page 7, the Examiner acknowledges that Ichinohe "does not disclose wherein after the first router receives the routing capability message, transferring, by the first router, the stored message to the second router after a routing capability time has lapsed." Applicants respectfully agree with the Examiner's acknowledgement. Moreover, Applicants submit that Ichinohe is silent regarding "a routing capability time," as required by claim 2.

**Yamaya Reference**

In the Office Action, at page 7, the Examiner contends that Yamaya "teaches wherein after the first router receives the routing capability message, transferring, by the first router, the stored message to the second router after a routing capability time has lapsed (*Fig. 18, Paras. [0140]-[0144]*)," (Italics in original).

Applicants respectfully disagree with the Examiner's contention regarding Yamaya. More particularly, Yamaya at the portion cited by the Examiner (i.e., Paragraphs [0140]-[0144], is silent regarding, for example, "a routing capability time," as required by claim 2. Instead, at the cited portion, Yamaya discloses that a VRRP packet transmitting section 23b controls the timer processing section 23d to stop the master down timer and restart the advertisement timer. When the counting has expired after a lapse of the predetermined period of time since the advertisement timer started, the process returns to step 404 and the advertisement packet is transmitted. (See Yamaya at paragraph [0140].)

Paragraphs [0141]-[0144] are completely silent regarding anything relating to time periods and in particular, "a routing capability time," as required by claim 2. Furthermore, paragraph [0140] merely discloses the conventional use of a master down timer and an advertisement timer. Neither the master down timer nor the advertisement timer relate to a routing capability time that is required to enable a routing function. Moreover, Yamaya is silent regarding transmission of a time in the advertisement message to other nodes on the local area network. Instead, the master down timer and advertisement timer begin counting after receiving a message, but the message itself does not include a time (i.e. a routing capability time).

Accordingly, claim 2 is submitted to patentably distinguish over Ichinohe in view of Yamaya for at least the above-mentioned reasons.

### **Claims 6 and 12**

Claims 6 and 12, which include similar but not identical features to those of claim 2, are submitted to patentably distinguish over Ichinohe in view of Yamaya for at least similar reasons of those of claim 2.

Application No.: 10/541,525  
Amendment Dated: August 6, 2009  
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MAT-8719US

**Claims 3-5, 7-8, 10 and 13**

Claims 3-5, 7-8, 10 and 13, which include all of the limitations of claim 2, 6 or 12, are submitted to patentably distinguish over Ichinohe in view of Yamaya for at least the same reasons as their respective independent claims.

**Rejection of Claims 9 and 11 under 35 U.S.C. §103(a)**

In the Office Action, at item 8, claims 9 and 11 are rejected under 35 U.S.C. §103(a) as unpatentable over Ichinohe in view of Yamaya in further view of Flinck et al. (U.S. Patent No. 7,099,326, hereafter referred to as Flinck).

Reconsideration is respectfully requested.

Claims 9 and 11, which include all of the limitations of claim 6, are submitted to patentably distinguish over Ichinohe in view of Yamaya for at least the same reasons as claim 6.

The addition of Flinck does not overcome the deficiencies of Ichinohe in view of Yamaya. This is because, Flinck, at the portion cited by the Examiner to teach that a router advertisement message of ICMPv6 has a routing stop time set in the lifetime field, merely discloses that a Router Lifetime should contain the frequency with which the mobile node receives information from Routing Area Updates, that no Reachable Time field should be set and that the Retrans timer contains the value that has been assigned for the Ready Timer Function inherent to GPRS Mobility Management. Flinck, however, is silent regarding "a routing capability time that is required to enable the routing function," as required by claim 6.

Accordingly, claims 9 and 11 are submitted to patentably distinguish over Ichinohe in view of Yamaya in further view of Flinck for at least the same reasons as claim 6.

**New Claims 14 and 15**

New claims 14 and 15 are submitted to patentably distinguish over the cited art for at least the same reasons as claim 2 or claim 6.

Application No.: 10/541,525  
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MAT-8719US

New claim 14 includes additional patentable distinctions beyond those of claim 2, namely:

the second router calculates the routing capability time based on a time required to set up connection to the external network or a time required to set up for a routing process,

(emphasis added).

New claim 15 includes additional patentable distinctions beyond those of claim 6, namely:

the transition time calculating section calculates the routing capability time based on a time required to set up connection to the external network or a time required to set up for a routing process,

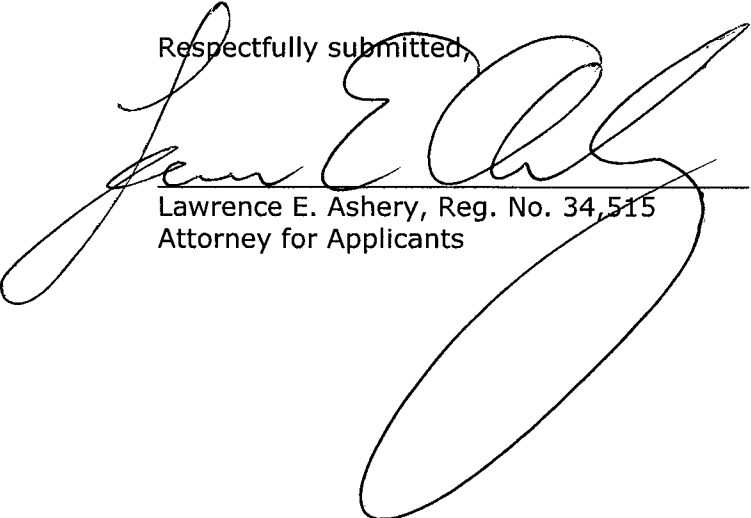
(emphasis added).

Entry and consideration of claims 14 and 15 are respectfully requested.

## **Conclusion**

In view of the claim amendments, new claims and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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